

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION**

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In re: LOWRY FARMS, INC.  
Debtor

Case No. 1:24-bk-70535  
Chapter 7

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**MOTION TO LIFT AUTOMATIC STAY TO PROCEED WITH MOTOR VEHICLE  
NEGLIGENCE CASE IN STATE COURT**

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Comes now Kenneth Lewis, Individually, and as Parent and Next Friend of Kyra Lewis and Ka'Breona Lewis, minors, by and through undersigned counsel, and would respectfully show the Court as follows:

1. On April 17, 2020, Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis suffered personal injuries as the result of a motor vehicle collision alleged to have been caused by the negligence of the debtor, Lowry Farms, Inc. This incident occurred in Bradley County, Arkansas.
2. On April 26, 2021, Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis, prior to Debtor filing a petition for Chapter 7, filed a lawsuit for injuries arising out of the April 17, 2020, automobile incident against the debtor, Lowry Farms, Inc. The case was filed in the Bradley County Circuit Court, Arkansas, Docket No. 06CV-21-29.
3. That suit was answered on behalf of J. Barrett Deacon by Mayer, LLP. As of May 07, 2024, the parties remained unable to come to a settlement, and a jury trial was set by the Bradley County Circuit Court for May 12-16, 2025.
4. On April 1, 2024, Debtor filed a petition for Chapter 7.
5. The undersigned counsel was notified of this filing on May 15, 2024, via a notice for a meeting of creditors mailed to the Taylor King Law office.

6. Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis hereby move to lift and/or modify the automatic stay to allow them to pursue their negligence claim for cause shown pursuant to 11 U.S.C. 362 (d)(1).

7. This motion is proper because Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis seek to pursue their injury claim against the Debtor to recover damages for personal injuries only to the extent an insurance company would be financially responsible for paying any judgment and not any of the debtor's assets.

8. The Debtor will not suffer financially from defending the personal injury action.

9. The Debtor's insurance carrier has assumed financial responsibility for the cost of the Debtor's defense in the personal injury litigation as exemplified by the hiring of defense counsel, and their continued representation of the Debtor throughout the litigation process.

10. Pursuant to 28 U.S.C. 1411 and 157(b)(5), Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis request trial for their personal injury claim because the lawsuit was not settled, tried or otherwise fixed prior to the Notice filed of Debtor's bankruptcy filing.

11. Proceeding with this negligence action will not adversely affect the administration of Debtor's Chapter 7 case, nor would any creditors' interests be impaired.

WHEREFORE, PREMISES CONSIDERED, Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis pray that the Court lift the 11 USC §362 automatic stay, so that Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis may proceed with the negligence action in state court, and for such other general and further relief to which Kenneth Lewis, Kyra Lewis, and Ka'Breona Lewis may be entitled.

Respectfully Submitted,

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/s/ Russell Marlin  
Russell Marlin (AR Bar# 2000107)

### **CERTIFICATE OF SERVICE**

I, Russell Marlin, hereby certify that a true and correct copy of the foregoing Motion has been filed with the clerk of court via CM/ECF which served a copy of the same upon the following:

Debtor, Lowry Farms, Inc.  
James M. Knoepp, Debtor's Attorney  
Scott D. McCoy, Debtor's Negligence Attorney  
M. Randy Rice, Chapter 7 Trustee  
All parties on servicing list

/s/ Russell Marlin  
Russell Marlin